

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBERT GORE	§	CIVIL ACTION NO.
	§	
Plaintiff,	§	
	§	
V.	§	
	§	
FIESTA MART, LLC	§	
	§	
Defendant.	§	
	§	

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT:

Defendants FIESTA MART, LLC, pursuant to 28 U.S.C. §§1441 and 1332, provide notice of removal of this action styled *Robert Gore v. Fiesta Mart, LLC, d/b/a FIESTA MART #212* Cause No. CC-23-00772-E, currently pending in the at Law Court 5 of Dallas County, Texas, and in support thereof, respectfully shows unto this Court as follows:

1. Plaintiff Robert Gore filed her Original Petition on February 9, 2023, claiming damages from a slip and fall on Defendant Fiesta Mart's premises. Plaintiff served Defendant with the citation on February 10, 2023; therefore, this notice is timely under 28 U.S.C. §1446(b).
2. Pursuant to 28 U.S.C. §1446 and the Local Rules of the United States District Court for the Northern District of Texas, attached are the following:
 - a. All executed process in the case (Exhibit A);
 - b. Pleadings asserting causes of action and all answers to such pleadings (Exhibit B);
 - c. All orders signed by the state judge (Exhibit C);

- d. The docket sheet (Exhibit D);
- e. An index of matters being filed (Exhibit E);
- f. A list of all counsel of record, including addresses, telephone numbers, and parties represented (Exhibit F).

These documents represent all that are presently available as required.

4. The District Courts of the United States have original jurisdiction over this action by reason of diversity of citizenship between the parties. 28 U.S.C. §1332. Plaintiff's Original Petition alleges that Plaintiff *Robert Gore* is a citizen of the state of Texas. Although Defendant Fiesta Mart LLC, is a limited liability company organized under the laws of Texas, its sole member is Bodega Latina Corp., a Delaware corporation with its principal place of business, or its "nerve center" in California. Bodega Latina is now known as Chedraui USA, Inc. Defendant Fiesta Mart LLC's citizenship as an LLC is determined by the citizenship of its members.¹

6. Plaintiff's Original Petition seeks monetary between Two Hundred and Fifty Thousand Dollars (\$250,000.00) and One Million Dollars (\$1,000,000). As such, the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs.

7. Removal of this cause of action is proper under 28 U.S.C. §1441. It is a civil action brought in state court and the District Courts of the United States have original jurisdiction over this action under 28 U.S.C. §1332, since the plaintiff and the defendant are diverse in citizenship.

7. As required by 28 U.S.C. §1441, the at Law No. 5 Court of Dallas County, Texas falls within the geographical purview of this Court, and thus, venue is proper in the United Stated District Court of the Northern District of Texas, Dallas Division.

¹ See e.g., *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

8. Written notice of the filing of this Notice of Removal is being promptly given to Plaintiff and a notice of Filing of Notice of Removal is promptly being filed with the at Law No. 5 Court of Dallas County, Texas, as required by 28 U.S.C. §1446(d).

WHEREFORE, PREMISES CONSIDERED, Defendant Fiesta Mart, LLC prays that the state action now pending in the at Law No. 5 Court of Dallas County, Texas, be removed to this Court, and for any further relief to which Defendant is justly entitled.

Respectfully submitted,

MEHAFFYWEBER, P.C.

By:/s/Maryalyce W. Cox
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ATTORNEYS FOR DEFENDANT
FIESTA MART LLC

CERTIFICATE OF SERVICE

In addition to e-filing, this is to certify that a true and correct copy of the above and foregoing instrument has been forwarded by Certified Mail, return to receipt requested, to all counsel of record on this the 10th day of March, 2023 pursuant to both the Texas Rules of Civil Procedure and the Federal Rules of Civil Procedure.

Maryalyce W. Cox
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